

REMARKS

The application was filed with claims 1-10. By the foregoing, claims 2-11 remain in the application. In the Office Action mailed August 25, 2006, claim 1 stands rejected under 35 USC §112. Claims 1-8 and 10 stand rejected under 35 USC §102. Claims 1-10 stand rejected under 35 USC §103. These rejections are respectfully traversed. In light of the foregoing, and the following remarks, withdrawal of the rejections and reconsideration of the claims is respectfully requested.

Rejection Under 35 USC §112

Claim 1 stands rejected under 35 USC §112 because it includes a broad recitation to a flow guiding system, and also recites a swirler device which is considered a narrower statement of limitation. In light of the foregoing amendment, wherein claim 1 is cancelled, this rejection should be considered moot. Withdrawal of the rejection and reconsideration of the claim is respectfully requested.

Rejections Under 35 USC §102

Claims 1-8 and 10 stand rejected under 35 USC §102(b) as being anticipated by Abplanalp et al. U.S. Patent No. 3 083 917. This rejection is respectfully traversed.

It is well established that in order for a claim to be anticipated by a prior art reference, each and every limitation of the claim must be found in that reference. Abplanalp et al. '917 discloses a valve button for a pressurized dispenser and a die for making the same. In the valve button according to Abplanalp et al., the material to be dispensed passes upwardly through a valve stem, flows through a channel and downwardly into a circular chamber. The material enters the circular chamber tangentially, as shown in Figure 2, swirls around the interior of the chamber, and exits through the nozzle to produce the swirling discharge in the spray pattern (column 3, lines 11-22). Abplanalp et al. '917 does not disclose an inner component part and an outer

component part, wherein the two component parts can be joined forming an annular space keeping open a full path to the flow-guiding system and the outlet nozzle, as required by claim 4. Abplanalp et al. '917 therefore does not disclose each and every element found in claim 4. Withdrawal of the rejection of claim 4, and reconsideration of the claim, is respectfully requested. Claims 2, 3 and 5-11, which depend from claim 4 and further define the invention, are also not anticipated by Abplanalp et al. '917. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Rejections Under 35 USC §103

Claims 1-10 stand rejected under 35 USC §103(a) as being unpatentable over Clevenger et al. U.S. Patent No. 3 500 761 in view of Abplanalp et al. U.S. Patent No. 2 989 251. This rejection is respectfully traversed.

In order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Clevenger et al. '761 and Abplanalp et al. '251 both disclose a valve stem and nozzle arrangement having an inner and outer component. However, neither of these references disclose that the inner component and an annular outer component are joined in such a manner as to form an annular space, keeping open a flow path to the flow guiding system and the outlet nozzle, which annular space is part of the flow-

channel arrangement, as required by claim 4. Neither Abplanalp et al. '251 nor Clevenger et al. '761 disclose this annular space formed between the inner and outer components, nor is there any teaching to modify either of the references or the combination thereof to incorporate such an annular space.

Further, none of the references cited render obvious an annular channel. In particular, the Abplanalp et al. '251 and '917 references have a disadvantage in their construction that does not lend itself to the application of an annular channel or space between the inner and outer components.

Specifically, each of the Abplanalp et al. devices requires precise alignment between the inner and outer components to ensure that the flow channel is arranged and aligned with the nozzle of the outer component. In contrast, the claimed invention, having an annular space performing a portion of the flow channel arrangement allows for the nozzle to align with the flow channel in any position about the perimeter of the inner component.

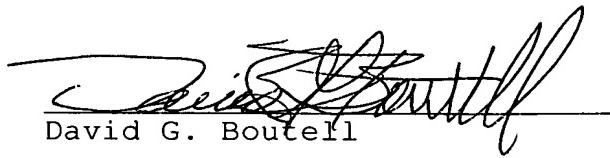
Therefore, claim 4 is not unpatentable over the combination of Clevenger et al. '761 and Abplanalp et al. '251. Withdrawal of the rejection, and reconsideration of the claim is respectfully requested. Claims 2, 3 and 5-11, which depend from claim 4, are patentable therewith. Withdrawal of the rejection of claims 2-11, and reconsideration of the claims, is respectfully requested.

Conclusion

In light of the foregoing, applicant asserts that the claims are in condition for allowance, and early notice of allowability is courteously solicited. If necessary to further prosecution of the application, the Examiner is

invited to contact the applicants representatives listed below.

Respectfully submitted,



The signature is handwritten in black ink. It appears to read "David G. Boutell". There is a horizontal line underneath the signature.

David G. Boutell

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